



**MINUTES**  
**SPECIAL MEETING OF**  
**CITY COUNCIL/SAN DIMAS**  
**REDEVELOPMENT AGENCY**  
**TUESDAY, NOVEMBER 8, 2011, 5:00 P. M.**  
**COUNCIL CHAMBERS CONFERENCE ROOM**  
**245 E. BONITA AVE.**

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**PRESENT:**

Mayor Curtis W. Morris  
Mayor Pro Tem Jeff Templeman  
Councilmember Emmett Badar  
Councilmember Denis Bertone  
Councilmember John Ebner  
City Manager Blaine Michaelis  
City Attorney J. Kenneth Brown  
City Clerk Ina Rios  
Assistant City Manager for Community Development Larry Stevens  
Assistant City Manager Ken Duran  
Director of Development Services Dan Coleman  
Director of Public Works Krishna Patel  
Director of Parks and Recreation Theresa Bruns  
Environmental Services Coordinator Lisa Bugrova  
Captain Don Slawson, San Dimas Sheriff's Station

**1. CALL TO ORDER**

Mayor Morris called the meeting to order at 5:07 p.m.

**2. ORAL COMMUNICATIONS**

(For anyone wishing to address the City Council on an item on this agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. Speakers are limited to three minutes or as may be determined by the Chair.)

- a. Members of the Audience

There were no comments.

**3. STUDY SESSION PLANNING MATTERS**

- a. Discussion and direction regarding Public Nuisance Abatement tools.

Director of Development Services Coleman outlined the progressive series of steps for the code enforcement program. He said Public Nuisance Abatement is rarely used because the City must pay up front for abatement work and costs may not be recovered for years through a tax lien. He said the Los Angeles County Assessor allows taxes to go unpaid for up to five years before the property is put up for sale. At the request of the City Manager, he contacted surrounding cities and said the City Prosecutor recommended adopting regulations authorizing the recording of a Notice of Violation against the property, a practice that has also been adopted by various cities. He added that the Housing Code requires the City to issue a Notice and Order to repair, rehabilitate, vacate or demolish a substandard building or property. Staff recommends that as authorized by the San Dimas Municipal Code the City Council confirm the use of Public Nuisance Abatement, including tax liens to recover cost of abatement; confirm the use of Notice and Order of Substandard building, including tax liens to recover cost of

abatement; and to direct staff to initiate a code amendment to allow recordation of a Notice of Violation after issuance of an Administrative Citation or Public Nuisance Determination.

Director Coleman responded to specific questions by the City Council and said the Fire Department has similar authority to enforce abatement and it would be the City Council's decision to consider requiring Waste Management to pick up trash cans left on the street, however, staff is recommending recording the notice of violation.

Mayor Morris agreed that nuisance abatement was costly and suggested the use of litigation in small claims court as an alternative.

In response to the City Council, Director Coleman replied that the Tax Assessor is notified when a notice of violation is recorded, at which time the property would be reassessed.

Mayor Pro Tem Templeman stated he can support the use of public nuisance abatement and adding a notice of substandard conditions on a case-by-case basis prior to expending funds. He said staff should keep in mind to transfer the risk to the property owner through due diligence.

Director Coleman will consult with Waste Management to determine a process of issuing a notice of intent for the removal of improperly stored trash cans.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to confirm the use of public nuisance abatement; confirm the use of Notice and Order of substandard building, including tax liens; and direct staff to initiate a code amendment to allow recordation of the Notice of Violation.

Mayor Morris added to the motion to direct staff to create the appropriate ordinance to allow the use of recording a notice. The motion carried unanimously.

b. Update regarding NPDES (MS-4)/Storm Water Program and Permits.

Director of Public Works Patel stated that the stormwater pollution prevent permit has been renewed annually for the past five years and Public Works is charged with implementing full compliance. He said staff, in collaboration with approximately 50 cities, participate in meetings with the County to keep ahead of the new permit requirements.

Environmental Services Coordinator Bugrova reported that Cities are regulated under the National Pollution Discharge Elimination Program (NPDES) required under the Federal Clean Water Act and authority is designated by the U. S. Environmental Protection Agency (EPA) to state and regional Water Quality Control Boards. She said the Countywide stormwater pollution prevention permit is undergoing review by the Regional Water Quality Control Board and will be significantly revised in Spring 2012. Coordinator Bugrova stated that Los Angeles Flood Control District is no longer interested in serving as Principal Permittee and is negotiating with the Regional Water Quality Board for a separate permit. She stated that staff is negotiating for a permit to continue water quality improvements in our region, however, an individual permit would be cost prohibitive and efforts have been incorporated into the Los Angeles Permit Group, a cohesive, organized group of stormwater professionals. She provided a brief background on the group formed and chaired by the City of Monrovia and stated that the City of San Dimas serves as Chair of Reporting Technical Subcommittee and performs recurring administrative duties for the group. She added that the Negotiating Committee, established with nine members representing each Watershed, meets with the Regional Board as the permit structure moves forward.

In response to City Manager Michaelis, Coordinator Bugrova replied that other cities in the Watershed would move forward and have a single permit with the Watershed based Chapters that would likely have an overall plan for regional projects to reduce pollution.

In response to Council, Coordinator Bugrova stated that the goals of the Upper San Gabriel Valley Group were the same goals as all of Los Angeles County, however, each city would not be determined on the permit and each city would have to comply with the same general goals. She said specific watershed issues, depending on the total maximum daily load (TMDL) would be incorporated into water based chapters, and by having a bigger permit structure, responsibilities could be delegated to the various cities involved.

Coordinator Bugrova reported that the plan is to conduct a Proposition 218 property owner vote in the Summer of 2012 requiring a majority of returned affirmative ballots. She said the parcel fee is based on the standard fee, size of parcel and impervious area, which averages to approximately \$54.00 per parcel, per annum, which is then added to the property tax. She indicated that a revenue allocation formula of 50/40/10 was established: 50% to the Watershed Area Groups (WAGS) for regional coordinated planning and implementation related to the MS4 NPDES permit and TMDL compliance; 40% to municipalities for existing and new NPDES and TMDL related programs and projects; and 10% to the Flood Control Districts for administration, regional planning, and technical assistance. She added that based on the 40% allocation to cities, it is anticipated that the City of San Dimas can expect \$216,000, which can be used for existing programs or showcase projects.

In response to Mayor Morris, Ms. Bugrova replied that if the vote is defeated, moving forward with negotiations with the Regional Board would be challenging. She added that there cannot be a provision in the permit requiring cities that have no funding to continue with large capital improvement projects.

Mayor Morris expressed concern that runoff from equestrian trails could never comply with the regulations.

In response to Mayor Morris, Coordinator Bugrova replied that the City does not have the ability to hire a consultant through the Water Master contract, to work for L. A. Permit Group, and the San Gabriel Valley Council of Governments (SGVCOG) has offered to act as a medium to hire a consultant for the nine cities to move forward with the process.

Ms. Bugrova further replied that if water objectives are not met, it does not mean the city is not meeting the intent of the permit, which states the water code is to improve water quality whether done by significant capital improvement water costs and great controls, or whether accomplished by increased street sweeping, increased infiltration, and education. She said it is a process understood by the Environmental Protection Agency.

In response to Mayor Pro Tem Templeman, Ms. Bugrova replied that L.A. Permit Group representing 65 cities will move forward as one united voice before the Regional Board meeting.

In response to Councilmember Badar, Ms. Bugrova said once Board of Supervisors approval is received, staff will join Los Angeles County in an extensive outreach program on the purpose and reason for the fee.

Assistant City Manager Stevens stated that the City Council's role would be to educate the property owners, and the property owners would receive the mail ballots and make the decision to vote.

c. Trends and issues in retail.

Assistant City Manager Stevens discussed whether or not retail is changing; whether or not City regulations are appropriate; and if the City is encouraging or discouraging, by regulations, appropriate uses in shopping centers.

a. Parking requirements or standards applicable to major shopping centers.

He added that at the previous meeting, staff was directed to study parking requirements in major shopping centers, which is in part related to where retail is going and parking requirements at built centers.

Assistant City Manager Stevens highlighted specifications of the Ralph's Shopping Center; Target Center, which currently has a vacancy with the departure of OfficeMax; Via Verde Shopping Center; and San Dimas Station.

In response to Mayor Pro Tem Templeman, Mr. Stevens replied that if Vons Grocery leaves, it will cause a significant problem about what can go in that space.

Assistant City Manager Stevens said the focus of most of the discussion is what to do with the San Dimas Station, which was approved on a shared parking basis, with no additional parking available. He said stations on both sides consist mostly of restaurants and have been capped for several years on available restaurant space.

In response to Councilmember Ebner, Mr. Stevens replied that under the current regulations, restaurants are not permitted in the northeast portion of San Dimas Station North.

Assistant City Manager Stevens reported that San Dimas Station has approximately 670 parking spaces and is showing a vacancy rate of 25%, which is about 66,000 square feet, in addition to approximately 40,000 square feet of distressed tenants.

In response to Council, Mr. Stevens replied that the 99 Cent Only Store has expressed interest in the vacant Federated building. He said part of the discussion at the City Council meeting was to be more flexible about allowing those type of uses. Staff is currently considering not categorizing the use as supermarket prohibition, otherwise it would require a code amendment. He said the bulk of design issues have been worked out with the applicants, which may result in a use determination for approval, however, staff has not yet reached a decision.

In response to Councilmember Bertone, City Manager Michaelis replied that Cost Plus has been steady, however, another big user in the center would be of great benefit to them.

Mayor Pro Tem recalled discussions at the League of California Cities conference about retail being online now, and suggested that staff keep in mind the difference between service and retail.

Assistant City Manager Stevens said permitted uses are traditional service businesses such as barbers and hair salons. He said the code demands more parking for party type uses and there is no flexibility for those uses. He said the process of permitted uses has been discussed with the 99 Cent Only representatives, however, staff has not been successful in getting a comprehensive proposal from them as it relates to the direction they want to go.

In response to Mayor Morris, Mr. Stevens replied that San Dimas Station has separate owners and STG has enough parcels to control the common area, however, may have difficulty collecting common area maintenance fees from all the tenants.

Councilmember Ebner stated that it might be necessary to look at restaurant uses in the Creative Growth Zone in a different way.

Mayor Morris reported that at a SubCommittee meeting with STG, the Committee mentioned that the Committee would consider liberalizing uses.

Director of Development Services Coleman stated that Creative Growth Zone 2 currently prohibits office use on the ground floor space, unless approved by the Development Plan Review Board. He mentioned that a tax service recently submitted an application and he asked if office use should also be considered at that location.

Mayor Pro Tem Templeman noted that a tax service business requires additional parking and there is limited parking at that locale.

Mr. Stevens replied to the City Council that the site is in a parking district and additional parking is not provided. He added that the Development Plan Review Board policy has been in force for many years that space has to be relatively small or inappropriate for retail in order to allow office uses on the first floor, or that the space has been historically used for office space in the past. He said over the course of time, there have been one or two appeals and the City Council has supported retail, with non-retail office uses on the second floor. He said service business with customer traffic is treated differently on how it is applied.

In response to Councilmember Badar, Mr. Stevens replied that San Dimas Station is a built-out center and as long as individual uses do not have a higher parking demand for its tenant space than the center can accommodate, then staff will not look at parking.

#### **4. ADJOURNMENT**

Mayor Morris adjourned the study session at 6:57 p.m. The next City Council meeting is Tuesday, November 8, 2011, 7:00 p.m.

Respectfully submitted,

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Ina Rios, CMC, City Clerk